



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,566	01/23/2006	Hisamitsu Takagi	12088/042001	2114
22511 7590 05/30/2008 OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010				
EXAMINER RODRIGUEZ, RUTH C				
ART UNIT 3677		PAPER NUMBER		
NOTIFICATION DATE 05/30/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
buta@oshaliang.com

### Office Action Summary

**Application No.**

10/565,566

**Applicant(s)**

TAKAGI ET AL.

**Examiner**

Ruth C. Rodriguez

**Art Unit**

3677

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 February 2008 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

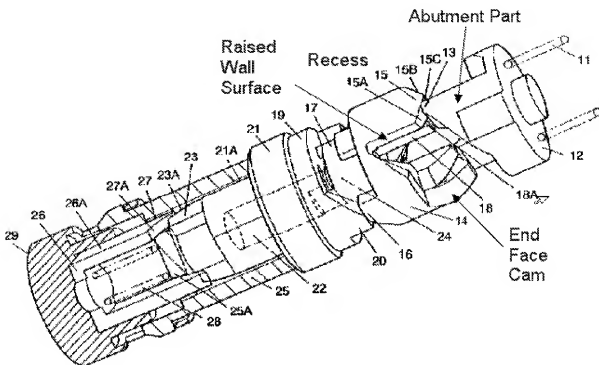
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Minami et al ("Minami", U.S. Patent No. 6,886,221).

Minami discloses a hinge apparatus comprising a first hinge member (12) and a second hinge member (25) turnably connected to the first hinge member, a movable member (14) arranged on a turning axial line of the first and second hinge members in

such a manner as to be turnable about the turning axial line and movable in the direction of the turning axial line (Figs. 1-7B). Biasing means (3) are adapted to bias the movable member (14) toward the first hinge member (12). The first hinge member and the movable member have confronting surfaces (Figs. 5A-7B) confronting surfaces. One of the confronting surfaces is provided a plurality of end face cams (provided in movable member 14) extending in a peripheral direction about the turning axial line and equally spacedly arranged in the peripheral direction about the turning axial line (see figure below). A raised wall surface (vertical wall next to 15A) extends in the direction of the turning axial line and is disposed between two of the end face cams that are adjacent in the peripheral direction (see figure below). The other of the confronting surfaces of the first hinge member and the movable member (14) is provided with a pair of abutment parts (13) that are urged against the pair of end face cams (13) by the biasing force of the biasing means and co-acts with the pair of end face cams to convert the biasing force of the biasing means to a turn biasing force for turning the second hinge member (25) through the movable member (14). A recess (15A) is formed a basal end portion of the raised wall surface and located at the intersection of the raised wall surface and the end cam face so as to extend into the raised wall portion in the peripheral direction about the turning axial line and arranged on an extension of the end face cam (13).



4. With respect to claims 2 and 3, Minami discloses that one side surface of the recess forms part of the end face cam (see figure above). The end face cam has a length of at least 180 degrees in the peripheral direction (see figure above).

#### ***Response to Arguments***

5. Applicant's arguments filed 05 February 2008 have been fully considered but they are not persuasive.

6. The Applicant argues that Minami fails to disclose "a recess formed in basal end portion of the raised wall surface and located at the intersection of the raised wall surface and the end cam face" since the recess is formed within the upper end of the raised wall and "much less the recess formed at the intersection of the raised wall surface and the end cam face. This argument fails to persuade. The claim only recites

Art Unit: 3677

a basal end portion and fails to include any limitation for the location of the basal end portion. The claim limitations are met when one considers the upper end of the raised wall surface as the basal end portion since the claim fails to provide any limitations that define the basal end portion. Regarding to the limitation "located at the intersection of the raised wall surface and the end cam face", this limitation is met since the recess is part of the raised wall surface and the recess is therefore located at the intersection of the end cam face and the raised wall surface that is defined by tip 15C. Therefore, claims 1-3 remain rejected under 35 U.S.C. 102(e) as being anticipated by Minami et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272-6987.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RCR/  
Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
May 31, 2008

/Robert J. Sandy/  
Primary Examiner, Art Unit 3677